

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KHALIL K. HAMMOND : CIVIL ACTION

v.

LANCASTER CITY BUREAU OF POLICE, :
LANCASTER CITY, DETECTIVE :
SERGEANT JARRED P. BERKIHISER, :
DETETIVE MICHAEL GERACE, :
ASSISTANT PUBLIC DEFENDER DAVID :
L. BLANCK, ATTORNEY MARK F. :
WALMER and LANCASTER COUNTY'S :
DISTRICT ATTORNEY'S OFFICE : NO. 17-1885

ORDER

NOW, this 16th day of December, 2021, upon consideration of the Defendants' Lancaster City Bureau of Police, Detective Sergeant Jarred P. Berkihiser, Detective Michael Gerace and Lancaster City's Motion to Dismiss Plaintiff's Second Amended Complaint (Document #117) Pursuant to F.R.C.P. 12(b)(6) (Document No. 123) and plaintiff's response, it is ORDERED that the motion is GRANTED.

IT IS FURTHER ORDERED:

1. To the extent that the motion seeks to dismiss Count I, it is **GRANTED**.
2. Count I is **DISMISSED WITHOUT PREJUDICE**.
3. To the extent that the motion seeks to dismiss Counts II, III, IV, and V, it is

GRANTED.

4. Counts II, III, IV, and V are **DISMISSED WITH PREJUDICE**.
5. We decline to exercise supplemental jurisdiction over Counts VI, VII, VIII, and IX pursuant to 28 U.S.C. § 1337(c)(3).
6. Counts VI, VII, VIII, and IX are **DISMISSED WITHOUT PREJUDICE** to the plaintiff's right to bring those claims in state court.

/s/ TIMOTHY J. SAVAGE J.